

1 required by this section, unless good cause is shown for failure to comply. The court
2 may in appropriate cases grant the opposing party a recess or a continuance.

3 (b) In addition to or in place of any sanction specified in par. (a), a court may,
4 subject to sub. (4), advise the jury of any failure or refusal to disclose material or
5 information required to be disclosed under sub. (2) or (3), or of any untimely
6 disclosure of material or information required to be disclosed under sub. (2) or (3).

7 **(10) PAYMENT OF PHOTOCOPY COSTS IN CASES INVOLVING INDIGENT RESPONDENTS.**
8 When the state public defender or a private attorney appointed under s. 977.08
9 requests photocopies of any item that is discoverable under this section, the state
10 public defender shall pay any fee charged for the photocopies from the appropriation
11 under s. 20.550 (1) (a). If the person providing photocopies under this section charges
12 the state public defender a fee for the photocopies, the fee may not exceed the actual,
13 necessary, and direct cost of photocopying.

14 **(11) EXCLUSIVE METHOD OF DISCOVERY.** Chapter 804 does not apply to
15 proceedings under this chapter. This section provides the only methods of obtaining
16 discovery and inspection in proceedings under this chapter.

NOTE: Creates, in new s. 980.036, provisions that are specific to discovery in proceedings relating to SVPs and specifically provides that the general discovery process in civil actions does not apply in ch. 980, stats., proceedings. Under the bill:

1. Upon demand, a *PA must disclose* and permit the person or the person's attorney to inspect and copy or photograph all of the following if it is in the possession, custody, or control of the state:

a. Any written or recorded statement made by the person concerning the allegations in a petition to commit the person as an SVP or concerning other matters at issue in the trial or proceeding.

b. A written summary of all oral statements of the person that the PA plans to use in the course of the trial or proceeding.

c. Evidence obtained by intercepting any oral communication that the PA intends to use as evidence.

d. A copy of the person's criminal record.

e. A list of all witnesses whom the PA intends to call, except rebuttal or impeachment witnesses.

f. Any relevant written or recorded statements of a witness.

g. The results of any physical or mental examination or any scientific or psychological test, instrument, experiment, or comparison that the PA intends to offer in

evidence and any raw data that were collected, used, or considered in any manner as part of the examination, test, instrument, experiment, or comparison.

h. The criminal record of a witness for the state that is known to the PA.

i. Any physical or documentary evidence that the PA intends to offer as evidence.

j. Any exculpatory evidence.

2. Upon demand, *the person who is subject to SVP proceedings must disclose* all of the following:

a. A list of all witnesses whom the person intends to call.

b. Any relevant written or recorded statements of a witness, except rebuttal or impeachment witnesses.

c. The results of any physical or mental examination or any scientific or psychological test, instrument, experiment, or comparison that the person intends to offer as evidence and any raw data that were collected, used, or considered in any manner as part of the examination, test, instrument, experiment, or comparison.

d. The criminal record of a witness for the person that is known to the person's attorney.

e. Any physical or documentary evidence that the person intends to offer as evidence.

3. If, subsequent to compliance with these requirements, and prior to or during trial, a party discovers additional material or the names of additional witnesses, the party must promptly notify the other party of the existence of the additional materials or names.

4. The court must exclude any witness not listed or evidence not presented for inspection unless good cause is shown for failure to comply. The court may advise the jury of the nonresponsiveness of a party.

1 **SECTION 92.** 980.038 of the statutes is created to read:

2 **980.038 Miscellaneous procedural provisions. (1) MOTIONS CHALLENGING**

3 JURISDICTION OR COMPETENCY OF COURT OR TIMELINESS OF PETITION. (a) A motion
4 challenging the jurisdiction or competency of the court or the timeliness of a petition
5 filed under s. 980.02 shall be filed within 10 days after the court holds the probable
6 cause hearing under s. 980.04 (2). Failure to file a motion within the time specified
7 in this paragraph waives the right to challenge the jurisdiction or competency of the
8 court or the timeliness of a petition filed under s. 980.02.

9 (b) Notwithstanding s. 801.11, a court may exercise personal jurisdiction over
10 a person who is the subject of a petition filed under s. 980.02 even though the person
11 is not served as provided under s. 801.11 (1) or (2) with a verified petition and
12 summons or with an order for detention under s. 980.04 (1) and the person has not
13 had a probable cause hearing under s. 980.04 (2).

1 **(2) EVIDENCE OF REFUSAL TO PARTICIPATE IN EXAMINATION.** (a) At any hearing
2 under this chapter, the state may present evidence or comment on evidence that a
3 person who is the subject of a petition filed under s. 980.02 or a person who has been
4 committed under this chapter refused to participate in an examination of his or her
5 mental condition that was being conducted under this chapter or that was conducted
6 for the purpose of evaluating whether to file a petition before the petition under s.
7 980.02 was filed.

8 (b) A licensed physician, licensed psychologist, or other mental health
9 professional may indicate in any written report that he or she prepares in connection
10 with a proceeding under this chapter that the person whom he or she examined
11 refused to participate in the examination.

12 **(3) TESTIMONY BY TELEPHONE OR LIVE AUDIOVISUAL MEANS.** Unless good cause to
13 the contrary is shown, proceedings under ss. 980.04 (2) (a) and 980.08 (5) (d) may be
14 conducted by telephone or audiovisual means, if available. If the proceedings are
15 required to be reported under SCR 71.02 (2), the proceedings shall be reported by a
16 court reporter who is in simultaneous voice communication with all parties to the
17 proceeding. Regardless of the physical location of any party to the telephone call, any
18 action taken by the court or any party has the same effect as if made in open court.
19 A proceeding under this subsection shall be conducted in a courtroom or other place
20 reasonably accessible to the public. Simultaneous access to the proceeding shall be
21 provided to a person entitled to attend by means of a loudspeaker or, upon request
22 to the court, by making the person party to the telephone call without charge.

23 **(4) MOTIONS FOR POSTCOMMITMENT RELIEF; APPEAL.** (a) A motion for
24 postcommitment relief by a person committed under s. 980.06 shall be made in the
25 time and manner provided in ss. 809.30 and 809.40. An appeal by a person who has

1 been committed under s. 980.06 from a final order under s. 980.06, 980.08, or 980.09
2 or from an order denying a motion for postcommitment relief or from both shall be
3 taken in the time and manner provided in ss. 808.04 (3), 809.30, and 809.40. If a
4 person is seeking relief from an order of commitment under s. 980.06, the person
5 shall file a motion for postcommitment relief in the trial court prior to an appeal
6 unless the grounds for seeking relief are sufficiency of the evidence or issues
7 previously raised.

8 (b) An appeal by the state from a final judgment or order under this chapter
9 may be taken to the court of appeals within the time specified in s. 808.04 (4) and in
10 the manner provided for civil appeals under chs. 808 and 809.

11 **(5) FAILURE TO COMPLY WITH TIME LIMITS; EFFECT.** Failure to comply with any time
12 limit specified in this chapter does not deprive the circuit court of personal or subject
13 matter jurisdiction or of competency to exercise that jurisdiction. Failure to comply
14 with any time limit specified in this chapter is not grounds for an appeal or grounds
15 to vacate any order, judgment, or commitment issued or entered under this chapter.
16 Failure to object to a period of delay or a continuance waives the time limit that is
17 the subject of the period of delay or continuance.

18 **(6) ERRORS AND DEFECTS NOT AFFECTING SUBSTANTIAL RIGHTS.** The court shall, in
19 every stage of a proceeding under this chapter, disregard any error or defect in the
20 pleadings or proceedings that does not affect the substantial rights of either party.

NOTE: Creates s. 980.038, providing that:

1. Notwithstanding the normal process for gaining personal jurisdiction in a judicial proceeding, a court may exercise personal jurisdiction over the subject of an SVP petition even though the person is not served under the normal process with a verified petition and summons or served with an order for detention and the person has not had a probable cause hearing.

2. A motion for post-commitment relief by an SVP or an appeal from a final order or from an order denying a motion for post-commitment relief must follow criminal appellate procedure.

3. An appeal by the state from a final judgment or order must follow the procedure for civil appeals.

4. The state is permitted to present evidence or comment on evidence that a person who is the subject of an SVP commitment petition, or that a person who has been committed, refused to participate in an examination of his or her mental condition that was being conducted as part of an SVP proceeding or that was conducted before the commitment petition was filed for the purpose of evaluating whether to file a petition. The bill does not affect the general right to remain silent at any hearing relating to an SVP commitment.

The bill also creates new provisions relating to failure to comply with time limits, specifying that:

1. Failure to comply with any time limit specified in ch. 980, stats., does not deprive the court of personal or subject matter jurisdiction or of competency to exercise that jurisdiction.

2. Failure to comply with any time limit is not grounds for an appeal or grounds to vacate any order, judgment, or commitment issued or entered.

3. Failure to object to a period of delay or a continuance waives the time limit that is the subject of the period of delay or continuance.

SECTION 93. 980.04 (1) of the statutes is amended to read:

980.04 (1) Upon the filing of a petition under s. 980.02, the court shall review the petition to determine whether to issue an order for detention of the person who is the subject of the petition. The person shall be detained only if there is probable cause to believe that the person is eligible for commitment under s. 980.05 (5). A person detained under this subsection shall be held in a facility approved by the department. If the person is serving a sentence of imprisonment, is in a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), or is committed to institutional care, and the court orders detention under this subsection, the court shall order that the person be transferred to a detention facility approved by the department. A detention order under this subsection remains in effect until the ~~person is discharged~~ petition is dismissed after a hearing under sub. (3) or after a trial under s. 980.05 (5) or until the effective date of a commitment order under s. 980.06, whichever is applicable.

1 **SECTION 94.** 980.04 (2) of the statutes is renumbered 980.04 (2) (a) and
2 amended to read:

3 980.04 (2) (a) Whenever a petition is filed under s. 980.02, the court shall hold
4 a hearing to determine whether there is probable cause to believe that the person
5 named in the petition is a sexually violent person. ~~If the person named in the petition~~
6 ~~is in custody, the court shall hold the probable cause hearing within 72 hours after~~
7 ~~the petition is filed, excluding Saturdays, Sundays and legal holidays. If the person~~
8 ~~named in the petition is not in custody, the~~

9 (b) 1. Except as provided in subd. 2., the court shall hold the probable cause
10 hearing within a reasonable time 30 days, excluding Saturdays, Sundays, and legal
11 holidays, after the filing of the petition, unless that time is extended by the court for
12 good cause shown upon its own motion, the motion of any party, or the stipulation
13 of the parties.

14 **SECTION 95.** 980.04 (2) (b) 2. of the statutes is created to read:

15 980.04 (2) (b) 2. If the person named in the petition is in custody under a
16 sentence, dispositional order, or commitment and the probable cause hearing will be
17 held after the date on which the person is scheduled to be released or discharged from
18 the sentence, dispositional order, or commitment, the probable cause hearing under
19 par. (a) shall be held no later than 10 days after the person's scheduled release or
20 discharge date, excluding Saturdays, Sundays, and legal holidays, unless that time
21 is extended by the court for good cause shown upon its own motion, the motion of any
22 party, or the stipulation of the parties.

NOTE: Revises current law [s. 980.04 (2)] which specifies that: (1) whenever an SVP commitment petition is filed, the court must hold a hearing to determine whether there is probable cause to believe that the person named in the petition is an SVP; (2) if the person is in custody, the court must hold the probable cause hearing within 72 hours after the petition is filed, excluding Saturdays, Sundays, and legal holidays; and (3) if the

person is not in custody, the court must hold the hearing within a reasonable time after the filing of the petition.

The bill:

1. Requires the court, in general, to hold the probable cause hearing within 30 days, excluding Saturdays, Sundays, and legal holidays, after the filing of the petition, unless that time is extended by the court for good cause shown.

2. If the person named in the petition is in custody and the probable cause hearing will be held after the date on which the person is scheduled to be released or discharged, requires the hearing to be held no later than 10 days after the person's scheduled release or discharge date, excluding Saturdays, Sundays, and legal holidays, unless that time is extended by the court for good cause. See, also, SECTION 96.

1 **SECTION 96.** 980.04 (3) of the statutes is amended to read:

2 980.04 (3) If the court determines after a hearing that there is probable cause
3 to believe that the person named in the petition is a sexually violent person, the court
4 shall order that the person be taken into custody if he or she is not in custody and
5 shall order the person to be transferred within a reasonable time to an appropriate
6 facility specified by the department for an evaluation by the department as to
7 whether the person is a sexually violent person. If the court determines that
8 probable cause does not exist to believe that the person is a sexually violent person,
9 the court shall dismiss the petition.

10 **SECTION 97.** 980.04 (5) of the statutes is amended to read:

11 980.04 (5) If the person named in the petition claims or appears to be indigent,
12 the court shall, prior to the probable cause hearing under sub. (2) (a), refer the person
13 to the authority for indigency determinations under s. 977.07 (1) and, if applicable,
14 the appointment of counsel.

15 **SECTION 98.** 980.05 (1) of the statutes is amended to read:

16 980.05 (1) A trial to determine whether the person who is the subject of a
17 petition under s. 980.02 is a sexually violent person shall commence no later than 45
18 90 days after the date of the probable cause hearing under s. 980.04 (2) (a). The court

1 may grant ~~a continuance~~ one or more continuances of the trial date for good cause
2 upon its own motion, the motion of any party or the stipulation of the parties.

NOTE: Revises s. 980.05 (1), stats., to require the trial to commence no later than 90 days after the probable cause hearing (45 days under current law) and permits the court to grant one or more continuances of the trial date for good cause (current law permits granting “a continuance”).

3 **SECTION 99.** 980.05 (1m) of the statutes is repealed.

NOTE: Specifies, by repealing s. 980.05 (1m), that constitutional rights available to a defendant in a criminal proceeding are not necessarily available to the person who is the subject to an SVP commitment petition. Current s. 980.05 (1m), stats., specifies that: (1) at the trial to determine whether the person is a “sexually violent person,” all rules of evidence in criminal actions apply; and (2) all constitutional rights available to a defendant in a criminal proceeding are available to the person.

4 **SECTION 100.** 980.05 (2) of the statutes is amended to read:

5 980.05 (2) The person who is the subject of the petition, the person’s attorney,
6 ~~or the department of justice or the district attorney~~ petitioner may request that a
7 trial under this section be to a jury of 12. A request for a jury trial under this
8 subsection shall be made within 10 days after the probable cause hearing under s.
9 980.04 (2) (a). If no request is made, the trial shall be to the court. The person, the
10 person’s attorney, or the ~~district attorney or department of justice, whichever is~~
11 ~~applicable,~~ petitioner may withdraw his, her, or its request for a jury trial if the 2
12 persons who did not make the request consent to the withdrawal.

13 **SECTION 101.** 980.05 (2m) of the statutes is created to read:

14 980.05 (2m) (a) At a jury trial under this section, juries shall be selected and
15 treated in the same manner as they are selected and treated in civil actions in circuit
16 court, except that, notwithstanding s. 805.08 (3), each party shall be entitled to 4
17 peremptory challenges or, if the court orders additional jurors to be selected under
18 s. 805.08 (2), to 5 peremptory challenges. A party may waive in advance any or all
19 of its peremptory challenges and the number of jurors called under par. (b) shall be
20 reduced by this number.

1 (b) The number of jurors selected shall be the number prescribed in sub. (2),
2 unless a lesser number has been stipulated to and approved under par. (c) or the court
3 orders that additional jurors be selected. That number of jurors, plus the number
4 of peremptory challenges available to all of the parties, shall be called initially and
5 maintained in the jury box by calling others to replace jurors excused for cause until
6 all jurors have been examined. The parties shall exercise in their order, the state
7 beginning, the peremptory challenges available to them, and if any party declines to
8 challenge, the challenge shall be made by the clerk by lot.

9 (c) At any time before the verdict in a jury trial under this section, the parties
10 may stipulate in writing or by statement in open court, on the record, with the
11 approval of the court, that the jury shall consist of any number less than the number
12 prescribed in sub. (2).

NOTE: Revises current law specifying that: (1) the person who is the subject of an SVP commitment petition, the person's attorney, DOJ, or the DA may request that the trial be to a jury of 12 in order to determine whether the person who is the subject of a commitment petition is an SVP; (2) the court may also, on its own motion, require that the trial be to a jury of 12; and (3) a verdict of a jury is not valid unless it is unanimous.

The bill creates s. 980.05 (2m) to provide:

1. For a jury of 12, but the parties may stipulate to a smaller number of jurors.
2. That juries must be selected and treated in the same manner as they are selected and treated in civil actions in circuit court, except that each party is entitled to 4 peremptory challenges (instead of 3, as for other civil actions), unless fewer jurors are to serve on the jury.

13 **SECTION 102.** 980.05 (3) (a) of the statutes is amended to read:

14 980.05 (3) (a) At a trial on a petition under this chapter, the petitioner has the
15 burden of proving the allegations in the petition beyond a reasonable doubt that the
16 person who is the subject of the petition is a sexually violent person.

NOTE: Revises s. 980.05 (3) (a) to clarify that in a trial under ch. 980, the petitioner's burden is to prove beyond a reasonable doubt *that the person is an SVP* (and not the general "allegations in the petition" under current law).

17 **SECTION 103.** 980.05 (3) (b) of the statutes is amended to read:

1 980.05 (3) (b) If the state alleges that the sexually violent offense or act that
2 forms the basis for the petition was an act that was sexually motivated as provided
3 in s. 980.01 (6) (b) or (bm), the state is required to prove beyond a reasonable doubt
4 that the alleged sexually violent act was sexually motivated.

5 **SECTION 104.** 980.07 (1) of the statutes is renumbered 980.07 (1) (intro.) and
6 amended to read:

7 980.07 (1) (intro.) If a person ~~has been~~ is committed under s. 980.06 and has
8 not been discharged under s. 980.09 (3) or 980.093, the department shall conduct an
9 examination of his or her mental condition within 6 12 months after ~~an~~ the date of
10 the initial commitment order under s. 980.06 and again thereafter at least once each
11 12 months ~~for the purpose of determining to determine~~ whether the person has made
12 sufficient progress for the court to consider whether the person should be placed on
13 supervised release or discharged. At the time of a reexamination under this section,
14 the person who has been committed may retain or seek to have the court appoint ~~an~~
15 any of the following:

16 (a) An examiner as provided under s. 980.03 (4) 980.031 (3), except that the
17 court is not required to appoint an examiner if supervised release or discharge is
18 supported by the examination conducted by the department. The county shall pay
19 the costs of an examiner appointed under this paragraph as provided under s. 51.20
20 (18) (a).

NOTE: Provides that a court is not required to appoint an examiner at the request
of a petitioner for supervised release when supervised release or discharge is supported
by the examination conducted by DHFS. See, also, NOTE to SECTION 108.

21 **SECTION 105.** 980.07 (1) (b) of the statutes is created to read:

22 980.07 (1) (b) An attorney as provided under s. 980.03 (2) (a).

23 **SECTION 106.** 980.07 (1g) of the statutes is created to read:

1 980.07 (1g) Any examiners under this section shall have reasonable access to
2 the person for purposes of examination and to the person's past and present
3 treatment records, as defined in s. 51.30 (1) (b), and patient health care records, as
4 provided under s. 146.82 (2) (c).

5 **SECTION 107.** 980.07 (1m) of the statutes is created to read:

6 980.07 (1m) At the time for any examination under sub. (1), the department
7 shall prepare a treatment report based on its treating professionals' evaluation of the
8 person and shall provide a copy of the report to any examiner conducting an
9 examination under sub. (1). The report shall consider all of the following:

10 (a) The specific factors associated with the person's risk for committing another
11 sexually violent offense.

12 (b) Whether the person has made significant progress in treatment or has
13 refused treatment.

14 (c) The ongoing treatment needs of the person.

15 (d) Any specialized needs or conditions associated with the person that must
16 be considered in future treatment planning.

NOTE: See the NOTE to SECTION 108.

17 **SECTION 108.** 980.07 (2) of the statutes is amended to read:

18 980.07 (2) Any examiner conducting an examination under ~~this section~~ sub. (1)
19 shall prepare a written report of the examination no later than 30 days after the date
20 of the examination. The examiner shall place a copy of the report in the person's
21 medical records and shall provide a copy of the report to the department. The report
22 shall include an assessment of the risk that the person will reoffend, whether the risk
23 can be safely managed in the community if reasonable conditions of supervision and
24 security are imposed, and whether the treatment that the person needs is available

1 in the community. The department shall then send the treatment report, the written
2 examination report, and a written statement from the department recommending
3 continued institutional care, supervised release, or discharge to the court that
4 committed the person under s. 980.06. A copy of each report and the department's
5 recommendation shall be provided also to the petitioner and to the person's attorney
6 as soon as he or she is retained or appointed. If the department concludes that the
7 person does not meet the criteria for commitment as a sexually violent person, the
8 department shall petition for discharge in accordance with the provisions of s. 980.09
9 (1).

NOTE: Revises, in SECTIONS 104 to 108, current law requiring DHFS to conduct an examination of the mental condition of each person who has been committed as an SVP within 6 months of the initial commitment and every 12 months thereafter to determine whether the person has made sufficient progress for the court to consider whether the person should be placed on supervised release or discharged. Current law requires any examiner conducting an examination to prepare a written report of the examination no later than 30 days after the date of the examination, and requires the report to be placed in the person's medical records and a copy must be given to the court.

Under the bill:

1. DHFS must conduct the examination *within 12 months* after the date of the initial commitment order and every 12 months thereafter.

2. At the time of the examination, DHFS must prepare a treatment report based on its treating professionals' evaluation of: (a) the specific factors associated with the person's risk for committing another sexually violent offense; (b) whether the person has made significant progress in treatment or has refused treatment; (c) the ongoing treatment needs of the person; and (d) any specialized needs or conditions associated with the person that must be considered in future treatment planning. A copy of the report must be given to the examiner.

3. The examiner's report must include an assessment of the risk that the person will reoffend, whether the risk can be safely managed in the community if reasonable conditions of supervision and security are imposed, and whether the treatment that the person needs is available in the community. The report must be prepared no later than 30 days after the date of the examination and must be provided to DHFS.

4. DHFS must send the treatment report, the written examination report, and a written statement from DHFS recommending either continued institutional care, supervised release, or discharge to the court. Copies of these documents must also be provided to the petitioner and to the person's attorney.

5. If the report concludes that the person does not meet the criteria for commitment as an SVP, DHFS must petition for discharge.

1 980.07 (3) Notwithstanding sub. (1), the court that committed a person under
2 s. 980.06 may order a reexamination of the person at any time during the period in
3 which the person is subject to the commitment order. Any report ordered under this
4 subsection shall conform to subs. (1m) and (2).

5 **SECTION 110.** 980.07 (4) to (7) of the statutes are created to read:

6 980.07 (4) (a) Within 30 days after the filing of the reexamination report,
7 treatment report, and recommendation under this section, the person subject to the
8 commitment or the petitioner may object to the department's recommendation under
9 sub. (2) by filing a written objection with the court.

10 (b) If no timely objection is filed under par. (a), one of the following applies:

11 1. If the department's recommendation under sub. (2) is for continued
12 institutional care, the department's recommendation shall be implemented without
13 a hearing.

14 2. If the department's recommendation under sub. (2) is for supervised release
15 or discharge, the court shall proceed under sub. (7) or s. 980.09.

16 (5) (a) If the person files a timely objection without counsel, the court shall
17 serve a copy of the objection and any supporting documents on the petitioner. If the
18 person objects through counsel, his or her attorney shall serve the petitioner. If the
19 petitioner objects, it shall serve the person or his or her counsel.

20 (b) If the person filing an objection is requesting discharge, the court may not
21 proceed under sub. (7). The court may proceed under s. 980.093 if the person files
22 a petition under that section.

23 (6) The petitioner may employ experts or professional persons to support or
24 oppose any recommendation.

1 **(6m)** Subject to s. 980.03 (2) (a), the court, before proceeding under sub. (7),
2 shall refer the matter to the authority for indigency determinations under s. 977.07
3 (1) and appointment of counsel under s. 977.05 (4) (j) if the person is not represented
4 by counsel. The determination of indigency and the appointment of counsel shall be
5 done as soon as circumstances permit.

6 **(7)** (a) Except as provided in subs. (4) (b) 1. and (5) (b), unless the department
7 recommends discharge, the court, without a jury, shall hold a hearing to determine
8 whether to authorize supervised release. The court shall hold the hearing within 30
9 days after the date on which objections are due under sub. (4), unless the petitioner
10 waives this time limit. Expenses of proceedings under this subsection shall be paid
11 as provided under s. 51.20 (18) (b), (c), and (d).

12 (am) The department of justice shall represent the department of health and
13 family services at any hearing under this subsection unless the departments have
14 adverse interests. If the departments have adverse interests, the department of
15 health and family services shall be represented at the hearing by its agency counsel
16 or by an attorney that it retains.

17 (b) The court shall determine from all of the evidence whether to continue
18 institutional care and, if not, what the appropriate placement would be for the person
19 while on supervised release. In making a decision under this subsection, the court
20 may consider, without limitation because of enumeration, the nature and
21 circumstances of the behavior that was the basis of the allegation in the petition
22 under s. 980.02 (2) (a), the person's mental history and present mental condition,
23 whether the person has demonstrated significant progress in his or her treatment,
24 whether the person has refused treatment, and, if the court were to authorize
25 supervised release, where the person would live, how the person would support

1 himself or herself, and what arrangements would be available to ensure that the
2 person would have access to and would participate in necessary treatment.

3 (bm) The court shall select a county to prepare a report under par. (c). Unless
4 the court has good cause to select another county, the court shall select the person's
5 county of residence. A preliminary decision by the court under this paragraph or
6 under par. (cm) to refer a case to a county department or the court's failure to make
7 such a decision shall not affect the court's power to authorize or not authorize
8 supervised release under this subsection.

9 (c) The court shall order the county department under s. 51.42 in the county
10 of intended placement to prepare a report, either independently or with the
11 department of health and family services, identifying prospective residential options
12 for community placement. In identifying prospective residential options, the county
13 department shall consider the proximity of any potential placement to the residence
14 of other persons on supervised release and to the residence of persons who are in the
15 custody of the department of corrections and regarding whom a sex offender
16 notification bulletin has been issued to law enforcement agencies under s. 301.46
17 (2m) (a) or (am). The county department shall complete its report within 30 days
18 following the court order.

19 (cm) If the court determines that the prospective residential options identified
20 in the report under par. (c) are inadequate, the court shall select another county to
21 prepare a report under par. (c).

22 (d) The court may order that a person be placed on supervised release only if
23 it finds, based on all of the reports, trial records, and evidence presented, that all of
24 the following apply:

1 1. The person who will be placed on supervised release meets all of the following
2 criteria:

3 a. The person has made sufficient progress in treatment such that the risk that
4 he or she will reoffend can be safely managed in the community and the person's
5 treatment progress can be sustained in the community.

6 b. The person's risk for reoffense has been reduced to a level that it is not likely
7 that the person will reoffend if so placed.

8 2. Treatment is reasonably available in the community and the person who will
9 be placed on supervised release will be treated by a provider who is qualified to
10 provide the necessary treatment in this state.

11 3. The provider presents a specific course of treatment for the person who will
12 be placed on supervised release, agrees to assume responsibility for the person's
13 treatment, agrees to comply with the rules and conditions of supervision imposed by
14 the court and the department, agrees to report on the person's progress to the court
15 on a regular basis, and agrees to report any violations of supervised release
16 immediately to the court and the petitioner.

17 4. The person who will be placed on supervised release has housing
18 arrangements that are sufficiently secure to protect the community, and the person
19 or agency that is providing the housing to the person who will be placed on supervised
20 release agrees in writing to the following conditions:

21 a. To accept the person who will be placed supervised release.

22 b. To provide or allow for the level of safety that the court requires.

23 c. To report immediately to the court and the petitioner any unauthorized
24 absence of the person who will be placed on supervised release from the housing
25 arrangement to which the person has been assigned. This subd. 4. c. applies only if

1 the person or agency that is providing the housing is a state or local government
2 agency or is licensed by the department.

3 5. The person who will be placed on supervised release will comply with the
4 provider's treatment requirements and all of the requirements that are imposed by
5 the department and the court.

6 6. The department has made provisions for the necessary services, including
7 sex offender treatment, other counseling, medication, community support services,
8 residential services, vocational services, and alcohol or other drug abuse treatment.

9 7. The degree of supervision and ongoing treatment needs of the person who
10 will be placed on supervised release that is required for the safe management of him
11 or her in the community can be provided through the allocation of a reasonable level
12 of resources.

NOTE: Creates new s. 980.07 (4) to (7) revising current law relating to requests for supervised release. Under current law:

1. A person who is committed as an SVP may petition the committing court to authorize supervised release if at least 18 months have elapsed since the initial commitment order was entered or at least 6 months have elapsed since the most recent release petition was denied or the most recent order for supervised release was revoked. The director of the facility at which the person is placed may petition on the person's behalf at any time.

2. Within 20 days after receiving the petition, the court must appoint one or more examiners who have specialized knowledge determined by the court to be appropriate, who must examine the person and furnish a written report to the court within 30 days after the appointment. If any examiner believes that the person is appropriate for supervised release, the examiner must report on the type of treatment and services that the person may need while in the community on supervised release.

3. The court, without a jury, must hear the petition within 30 days after the examiner's report is filed, unless the time limit is waived by the petitioner.

4. The court must grant the petition unless the state proves by clear and convincing evidence that: (a) it is still likely that the person will engage in acts of sexual violence if the person is not continued in institutional care; or (b) the person has not demonstrated significant progress in his or her treatment or the person has refused treatment.

5. In making this decision, the court may consider: (a) The nature and circumstances of the behavior that was the basis of the allegation in the petition to commit the person; (b) the person's mental history and present mental condition; (c) where the person will live; (d) how the person will support himself or herself; and (e) what arrangements are available to ensure that the person has access to and will participate in necessary treatment, including pharmacological treatment if the person is a serious child sex offender.

6. If the court finds that the person is appropriate for supervised release, the court must notify DHFS. DHFS must make its best effort to arrange for placement of the person in a residential facility or dwelling that is in the person's county of residence.

7. DHFS and the county department in the county of residence must prepare a plan that does all of the following: (a) identifies the treatment and services, if any, that the person will receive in the community; (b) addresses the person's need, if any, for supervision, counseling, medication, community support services, residential services, vocational services, and AODA treatment; and (c) specifies who will be responsible for providing the treatment and services identified in the plan.

8. The plan must be presented to the court for its approval within 60 days after the court finding that the person is appropriate for supervised release, unless DHFS, the county department, and the person request additional time to develop the plan.

The bill creates a new process for granting supervised release. As noted above, DHFS must recommend continued institutional care, supervised release, or discharge through the reexamination process. The new process is:

1. Within 30 days after the filing of the reexamination report, treatment report, and DHFS recommendation, the person subject to the SVP commitment or the petitioner may object to the recommendation by filing a written objection with the court.

2. If DHFS's recommendation is continued institutional care, and there is no objection, the recommendation is implemented without a hearing. If DHFS recommends discharge or the person files an objection requesting discharge, the court shall proceed with determining whether discharge is appropriate. Otherwise the court, without a jury, must hold a hearing to determine whether to authorize supervised release within 30 days after the date on which objections are due, unless the time limit is waived by the petitioner.

3. The court must determine from all of the evidence whether to continue institutional care and, if not, what the appropriate placement would be for the person while on supervised release. As under current law, in making this decision, the court may consider the following: (a) the nature and circumstances of the behavior that was the basis of the allegation in the commitment petition; (b) the person's mental history and present mental condition; (c) the person's progress in treatment; (d) the person's refusal to participate in treatment; and (e) if the court were to authorize supervised release, where the person would live, how the person would support himself or herself, and what arrangements would be available to ensure that the person would have access to and would participate in treatment.

4. The court must select a county to prepare a report on the person's prospective residential options. Unless the court has good cause to select another county, the court must select the person's county of residence.

5. The court must order the county department in the county of intended placement to prepare the report, either independently or with DHFS, identifying prospective residential options. In identifying prospective residential options, the county department must consider the proximity of any potential placement to the residence of other persons on supervised release and to the residence of persons who are in the custody of DOC and regarding whom a sex offender notification bulletin has been issued. The county department must complete its report within 30 days following the court order.

6. If the court determines that the prospective residential options identified in the report are inadequate, the court must select one or more other counties to prepare a report.

7. The court may order that a person be placed on supervised release if it finds that all of the following apply:

a. The person who will be placed on supervised release: (1) has made sufficient progress in treatment such that the risk that the person will reoffend can be safely managed in the community and the progress can be sustained; and (2) the person's risk

for reoffense has been reduced to a level that it is not likely that the person will reoffend if so placed.

b. That there is treatment reasonably available in the community and the person who will be placed on supervised release will be treated by a provider who is qualified to provide the necessary treatment in this state.

c. The provider presents a specific course of treatment for the person who will be placed on supervised release, agrees to assume responsibility for the person's treatment, agrees to comply with the rules and conditions of supervision imposed by the court and DHFS, agrees to report on the person's progress to the court on a regular basis, and agrees to report any violations of supervised release immediately to the court and the petitioner.

d. The person who will be placed on supervised release has housing arrangements that are sufficiently secure to protect the community, and the person or agency that is providing the housing to the person agrees in writing to accept the person, provide or allow for the level of safety the court requires, and, if the person or agency providing the housing is a state or local government agency or is licensed by DHFS, immediately report to the court and the petitioner any unauthorized absence of the person from the housing arrangement.

e. The person who will be placed on supervised release will comply with the provider's treatment requirements and all of the requirements that are imposed by DHFS and the court.

f. DHFS has made provisions for the necessary services, including sex offender treatment, other counseling, medication, community support services, residential services, vocational services, and AODA treatment.

g. The degree of supervision and ongoing treatment needs of the person who will be placed on supervised release that is required for the safe management for him or her in the community can be provided through the allocation of a reasonable level of resources.

1 **SECTION 111.** 980.08 of the statutes is repealed and recreated to read:

2 **980.08 Supervised release; procedures, implementation, revocation.**

3 **(1)** If the court determines under s. 980.07 (7) that supervised release is appropriate,
4 the court shall order the county department under s. 51.42 in the county of intended
5 placement to assist the department of health and family services in implementing
6 the supervised release placement.

7 **(2)** The department shall file with the court any additional rules of supervision
8 not inconsistent with the rules or conditions imposed by the court within 10 days of
9 imposing the rule.

10 **(3)** If the department wishes to change a rule or condition of supervision
11 imposed by the court, it must obtain the court's approval.

1 (4) An order granting supervised release places the person in the care, control,
2 and custody of the department. The department shall arrange for the care, control,
3 and treatment of the person in the least restrictive manner consistent with the
4 requirements of the person and in accordance with the order for supervised release.
5 Before a person is actually released under this section, the court shall notify the
6 municipal police department and county sheriff for the municipality and county in
7 which the person will be residing. The notification requirement under this
8 subsection does not apply if a municipal police department or county sheriff submits
9 to the court a written statement waiving the right to be notified.

10 (5) (a) If the department concludes that a person on supervised release, or
11 awaiting placement on supervised release, violated or threatened to violate a rule of
12 supervised release, it may petition for revocation of the order granting supervised
13 release. The department may also detain the person.

14 (b) If the department concludes that a person on supervised release, or
15 awaiting placement on supervised release, is a threat to the safety of others, it shall
16 detain the person and petition for revocation of the order granting supervised
17 release.

18 (c) If the department concludes that the order granting supervised release
19 should be revoked, it shall file a statement alleging the violation and a petition to
20 revoke the order for supervised release with the committing court and provide a copy
21 of each to the regional office of the state public defender responsible for handling
22 cases in the county where the committing court is located. If the department has
23 detained the person under par. (a) or (b), the department shall file the statement and
24 the petition and provide them to the state public defender within 72 hours after the
25 detention, excluding Saturdays, Sundays, and legal holidays. The court shall refer

1 the matter to the authority for indigency determinations under s. 977.07 (1) and
2 appointment of counsel under s. 977.05 (4) (j). The determination of indigency and
3 the appointment of counsel shall be done as soon as circumstances permit.

4 (d) The court shall hear the petition within 30 days, unless the hearing or time
5 deadline is waived. A final decision on the petition to revoke shall be made within
6 90 days of the filing of the petition. Pending the final revocation hearing, the
7 department may detain the person in the county jail or return him or her to
8 institutional care.

9 (6) (a) If the court finds after a hearing, by clear and convincing evidence, that
10 any rule has been violated and the court finds that the violation of the rule merits
11 the revocation of the order granting supervised release, the court may revoke the
12 order for supervised release and order that the person be placed in institutional care.
13 The person shall remain in institutional care until he or she is discharged from the
14 commitment or again placed on supervised release.

15 (b) If the court finds after a hearing, by clear and convincing evidence, that the
16 safety of others requires that supervised release be revoked, the court shall revoke
17 the order granting supervised release and order that the person be placed in
18 institutional care. The person shall remain in institutional care until he or she is
19 discharged from the commitment or again placed on supervised release.

NOTE: Revises, by repealing and recreating s. 980.08, stats., current law relating to supervision of persons on supervised release. Under current law:

1. An order for supervised release places the person in the custody and control of DHFS. DHFS must arrange for control, care, and treatment of the person in the least restrictive manner consistent with the requirements of the person and in accordance with the plan for supervised release. A person on supervised release is subject to the conditions set by the court and to DHFS rules.

2. If DHFS alleges that a person has violated any condition or rule, or that the safety of others requires that supervised release be revoked, he or she may be taken into custody under DHFS rules. DHFS must submit a statement showing probable cause of the detention and a petition to revoke the order for supervised release to the committing

court and the regional office of the state public defender responsible for handling cases for that court's county within 72 hours after the detention.

3. The court must hear the petition within 30 days, unless the deadline is waived by the detained person. The state has the burden of proving by clear and convincing evidence that any rule or condition of release has been violated or that the safety of others requires that supervised release be revoked. If the court determines that any rule or condition of release has been violated or that the safety of others requires that supervised release be revoked, it may revoke the order for supervised release and order that the person be placed in an appropriate institution.

The bill modifies current law relating to revocation of supervised release as follows:

1. If DHFS concludes that a person on supervised release, or awaiting placement on supervised release, violated or threatened to violate a rule of supervised release, it may petition for revocation of the order granting supervised release.

2. As under current law, DHFS may detain a person for a violation or threatened violation. In addition, under the bill, if DHFS concludes that such a person is a threat to the safety of others, it must detain the person and petition for revocation of the order granting supervised release.

3. If DHFS concludes that the order granting supervised release should be revoked, it must file a statement alleging the violation and a petition to revoke the order with the committing court and provide a copy of each to the regional office of the state public defender within 72 hours after the detention. The court must hear the petition within 30 days, unless the hearing or time deadline is waived. A final decision on the petition must be made within 90 days of its filing.

4. If the court finds after a hearing, by clear and convincing evidence, that any rule has been violated and that the violation merits the revocation of the order granting supervised release, the court may revoke the order and order that the person be placed in institutional care. If the court finds by clear and convincing evidence that the safety of others requires that supervised release be revoked, the court must revoke the order granting supervised release and order that the person be placed in institutional care.

1 **SECTION 112.** 980.09 (title) of the statutes is amended to read:

2 **980.09** (title) **Petition for discharge; procedure with department's**
3 **approval.**

4 **SECTION 113.** 980.09 (1) (title) of the statutes is repealed.

5 **SECTION 114.** 980.09 (1) (a) of the statutes is renumbered 980.09 (1) and
6 amended to read:

7 **980.09 (1)** If the secretary department determines at any time that a person
8 committed under this chapter ~~is no longer~~ does not meet the criteria for commitment
9 as a sexually violent person, the secretary department shall ~~authorize the person to~~
10 petition the committing court for discharge. The person department shall file the
11 petition with the court and serve a copy upon the department of justice or the district

1 attorney's office that filed the petition under s. 980.02 (1), whichever is applicable.
2 The court, upon receipt of the petition for discharge, shall order a hearing to be held
3 within 45 90 days after the date of receipt of the petition.

NOTE: Amends s. 980.09 (1), as renumbered, to:

1. Change the time limit for a hearing on a DHFS petition for discharge from within 45 days to within 90 days (after the date of receipt of the petition).

2. Require DHFS, not the person committed, to file the petition when the department determines that the person does not meet the criteria of an SVP.

4 **SECTION 115.** 980.09 (1) (b) of the statutes is renumbered 980.09 (2m) and
5 amended to read:

6 980.09 (2m) At a hearing under this subsection ~~section~~, the district attorney
7 or the department of justice, whichever filed the original petition, shall represent the
8 state and shall have the right to have the petitioner examined by an expert or
9 professional person of his, her or its choice. ~~The hearing shall be before the court~~
10 ~~without a jury.~~ The state has the burden of proving by clear and convincing evidence
11 that the petitioner ~~is still~~ currently meets the criteria for commitment as a sexually
12 violent person.

13 **SECTION 116.** 980.09 (1) (c) of the statutes is renumbered 980.09 (3) and
14 amended to read:

15 980.09 (3) If the court is satisfied that the state has not met its burden of proof
16 under ~~par. (b)~~ sub. (2m), the petitioner shall be discharged from the custody or
17 supervision of the department. If the court is satisfied that the state has met its
18 burden of proof under ~~par. (b)~~ sub. (2m), the court may proceed under 980.07 (7) (b)
19 to (d) to determine, ~~using the criterion specified in s. 980.08 (4) (b),~~ whether to modify
20 the petitioner's existing commitment order by authorizing supervised release.

21 **SECTION 117.** 980.09 (2) of the statutes is repealed.

NOTE: Repeals the current provision regarding a discharge petition brought without the approval of DHFS. See the NOTE to SECTION 118 for the replacement to s. 980.09 (2).

1 **SECTION 118.** 980.093 of the statutes is created to read:

2 **980.093 Petition for discharge without department's approval. (1)**

3 PETITIONS IN GENERAL. A committed person may petition the committing court for
4 discharge without the department's approval. The court shall deny the petition
5 under this section without a hearing unless the petition alleges facts from which the
6 court or jury may conclude the person's condition has changed so that the person does
7 not meet the criteria for commitment as a sexually violent person.

8 **(2) COURT REVIEW OF PETITION.** The court shall review the petition within 30
9 days and the court may hold a hearing to determine if it contains facts from which
10 the court or jury may conclude that the person does not meet the criteria for
11 commitment as a sexually violent person. In determining under this subsection
12 whether facts exist that might warrant such a conclusion, the court shall consider
13 any current or past reports filed under s. 980.07, relevant facts and arguments in the
14 petition and in the state's written response, arguments of counsel, and any
15 supporting documentation provided by the person or the state. If the court
16 determines that the petition does not contain facts from which a court or jury may
17 conclude that the person does not meet the criteria for commitment, the court shall
18 deny the petition.

19 **(3) HEARING.** The court shall hold a hearing within 90 days of the determination
20 that the petition contains facts from which the court or jury may conclude that the
21 person does not meet the criteria for commitment as a sexually violent person. The
22 state has the burden of proving by clear and convincing evidence that the person
23 meets the criteria for commitment as a sexually violent person.

1 (4) DISPOSITION. If the court or jury is satisfied that the state has not met its
2 burden of proof under sub. (3), the petitioner shall be discharged from the custody
3 of the department. If the court or jury is satisfied that the state has met its burden
4 of proof under sub. (3), the court may proceed under s. 980.07 (7) (b) to (d) to
5 determine whether to modify the petitioner's existing commitment order by
6 authorizing supervised release.

NOTE: Creates new s. 980.093 revising the current law relating to discharge from commitment. Under current law:

1. If the secretary of DHFS determines at any time that a person is no longer an SVP, the secretary must authorize the person to petition the committing court for discharge. The court must hold a hearing within 45 days after receipt of the petition. The hearing must be before the court without a jury. The state has the burden of proving by clear and convincing evidence that the person is still an SVP.

2. If the court is satisfied that the state has not met its burden of proof, the petitioner must be discharged from the custody and supervision of DHFS. If the court is satisfied that the state has met its burden, the court may proceed to determine whether to modify the person's existing commitment order by authorizing supervised release.

3. A person may also petition the court for discharge from custody or supervision without the approval of the secretary of DHFS.

4. At the time of the person's reexamination, the secretary of DHFS must provide the person with written notice of the person's right to petition for discharge over the secretary's objections. If the person does not affirmatively waive the right to petition, the court must set a probable cause hearing to determine whether facts exist that warrant a hearing on whether the person is still an SVP.

5. If the court determines at the probable cause hearing that probable cause exists to believe that the committed person is no longer an SVP, the court must set a hearing on the issue. The hearing must be to the court. The state has the right to have the person evaluated by experts chosen by the state. The state has the burden of proving by clear and convincing evidence that the committed person is likely to engage in acts of sexual violence or has not made significant progress in treatment or has refused treatment. If the court is satisfied that the state has not met its burden of proof, the petitioner must be discharged from the custody and supervision of DHFS. If the court is satisfied that the state has met its burden, the court may proceed to determine whether to modify the person's existing SVP commitment order by authorizing supervised release.

The bill modifies the provisions relating to petitions for discharge that do not have DHFS's approval as follows:

1. The court must deny the petition without a hearing unless the petition alleges facts from which the court may conclude that the person's condition has changed so that the person does not meet the criteria for commitment as an SVP. In determining whether such facts exist, the court must consider any current or past reports filed in connection with a reexamination, relevant facts and arguments in the petition and in the state's written response, arguments of counsel, and any supporting documentation provided by the person or the state.

2. The court must hold a hearing within 90 days of the determination that the petition contains facts from which the court may conclude that the person does not meet the criteria for commitment as an SVP. Upon request, the hearing may be to a jury of 6. A verdict must be agreed to by at least 5 of the 6 jurors. The state has the burden of

proving by clear and convincing evidence that the person meets the criteria for commitment. The bill specifies that the general rules of evidence are inapplicable at such hearings.

3. If the court is satisfied that the state has not met its burden of proof, the petitioner must be discharged from the custody and supervision of DHFS. If the court is satisfied that the state has met its burden, the court may proceed to determine whether to modify the person's existing commitment order by authorizing supervised release.

1 **SECTION 119.** 980.095 of the statutes is created to read:

2 **980.095 Procedures for discharge hearings. (1) USE OF JURIES.** (a) The
3 district attorney or the department of justice, whichever filed the original petition,
4 or the petitioner or his or her attorney may request that a hearing under s. 980.093
5 be to a jury of 6. A jury trial is deemed waived unless it is demanded within 10 days
6 of the filing of the petition for discharge.

7 (b) Juries shall be selected and treated in the same manner as they are selected
8 and treated in civil actions in circuit court. The number of jurors prescribed in par.
9 (a), plus the number of peremptory challenges available to all of the parties, shall be
10 called initially and maintained in the jury box by calling others to replace jurors
11 excused for cause until all jurors have been examined. The parties shall exercise in
12 their order, the state beginning, the peremptory challenges available to them, and
13 if any party declines to challenge, the challenge shall be made by the clerk by lot.

14 (c) No verdict shall be valid or received unless at least 5 of the jurors agree to
15 it.

16 **(2) DEPARTMENT'S RIGHT TO BE HEARD.** The department of justice shall represent
17 the department of health and family services at any discharge hearing unless the
18 departments have adverse interest. If the departments have adverse interests, the
19 department of health and family services shall be represented at the hearing by its
20 agency counsel or an attorney that it retains.

1 **(3) POST VERDICT MOTIONS.** Motions after verdict may be made without further
2 notice upon receipt of the verdict.

3 **(4) APPEALS.** Any party may appeal an order under this subsection as a final
4 order under chs. 808 and 809.

NOTE: Creates new s. 980.095 providing for a separate jury requirement for discharge hearings. Specifically, the DA or DOJ, whichever filed the original petition, or the petitioner may request that the discharge hearing be to a jury of 6. A jury trial is deemed waived unless it is demanded within 10 days after the filing of the petition for discharge. No verdict is valid unless it is agreed to by at least 5 of the jurors. See, also, the NOTE to SECTION 118.

5 **SECTION 120.** 980.10 of the statutes is repealed.

NOTE: Repeals a provision granting an additional method by which a committed person may petition a committing court for discharge at any time. However, under this provision, if a person has previously filed a petition for discharge without the secretary's approval and the court determined that the petition was frivolous or that the petitioner remained an SVP, then the court was required to deny any subsequent petition without a hearing until the petition contained facts upon which a court could find that the condition of the person had so changed that a hearing was warranted.

6 **SECTION 121.** 980.101 (2) (a) of the statutes is amended to read:

7 980.101 (2) (a) If the sexually violent offense was the sole basis for the
8 allegation under s. 980.02 (2) (a) and there are no other judgments relating to a
9 sexually violent offense committed by the person, the court shall reverse, set aside,
10 or vacate the judgment under s. 980.05 (5) that the person is a sexually violent
11 person, vacate the commitment order, and discharge the person from the custody or
12 supervision of the department.

13 **SECTION 122.** 980.11 (2) (intro.) of the statutes is amended to read:

14 980.11 (2) (intro.) If the court places a person on supervised release under s.
15 980.08 or discharges a person under s. 980.09 (3) or ~~980.10~~ 980.093, the department
16 shall do all of the following:

17 **SECTION 123.** 980.12 (1) of the statutes is amended to read:

1 980.12 (1) Except as provided in ss. ~~980.03 (4)~~ 980.031 (3) and ~~980.08 (3)~~ 980.07
2 (1)(a), the department shall pay from the appropriations under s. 20.435 (2) (a) and
3 (bm) for all costs relating to the evaluation, treatment, and care of persons evaluated
4 or committed under this chapter.

5 **SECTION 124.** 980.14 (title) of the statutes is created to read:

6 **980.14 (title) Immunity.**

7 **SECTION 125.** 980.14 (1) of the statutes is created to read:

8 980.14 (1) In this section, “agency” means the department of corrections, the
9 department of health and family services, the department of justice, or a district
10 attorney.

NOTE: See the NOTE to SECTION 77.

11 **SECTION 126. Initial applicability.**

12 (1) This act first applies to reviews regarding detention and probable cause
13 hearings under section 980.04 of the statutes, as affected by this act, and trials under
14 section 980.05 of the statutes, as affected by this act, that are based on a petition filed
15 under s. 980.02 of the statutes, as affected by this act, on the effective date of this
16 subsection.

17 (2) This act first applies to periodic reexaminations conducted under section
18 980.07 of the statutes, as affected by this act, begun on the effective date of this
19 subsection and to court proceedings resulting from those reexaminations.

20 (3) This act first applies to proceedings to revoke supervised release under
21 section 980.08 (5) of the statutes, as affected by this act, that are commenced on the
22 effective date of this subsection, except that the treatment of section 980.08 (5) of the
23 statutes, with respect to where a person may be detained while a petition to revoke

1 supervised release is pending, first applies to a person whose detention commences
2 on the effective date of this subsection.

3 (4) This act first applies to discharge proceedings commenced on the effective
4 date of this subsection.

5 **SECTION 127. Effective date.**

6 (1) This act takes effect on the first day of the 2nd month beginning after
7 publication.

8 (END)